

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

LAQUANDA BAXTER,

Plaintiff,

vs.

HOLMAN TRANSPORTATION RISK
RETENTION GROUP, INC.; SELECT
DEDICATED SOLUTIONS, LLC;
ALEJANDRO CHAVEZ, INDIVIDUALLY,
AND AS AN AGENT AND EMPLOYEE
OF SELECT DEDICATED SOLUTIONS,
LLC; and, XYZ ENTITIES #1-3

Defendants.

CIVIL ACTION

NO. _____

PETITION FOR REMOVAL

COME NOW HOLMAN TRANSPORTATION RISK RETENTION GROUP, INC. (“HOLMAN”) AND SELECT DEDICATED SOLUTIONS, LLC (“SELECT”), Petitioners and Defendants, who petition the Court as follows:

1.

Plaintiff filed a civil action for negligence and/or direct action against the Petitioners in the State Court of DeKalb County, State of Georgia, Civil Action

No. 23A02279, in which she seeks to recover in excess of \$75,000, excluding interest and costs (the “Action”). Copies of the pleadings filed in that action are attached as follows:

Exhibit A – Summons and Complaint

Exhibit B – Affidavit of Service for Select Dedicated Solutions, LLC

Exhibit C – Affidavit of Due Diligence

Exhibit D – Affidavit of Holman Transportation Risk Retention Group, Inc.

Exhibit E – Defendants’ Notice of Removal

2.

At the time the Action was filed and now as it is removed, Laquanda Baxter, Plaintiff, was and remains a citizen of the State of Georgia living in Dekalb County, Georgia. *See Complaint*, at ¶ 1, ¶ 21.

3.

At the time the Action was filed and now as it is removed, Defendant Holman is a foreign insurance company organized and existing under the laws of the State of Alabama with its principal place of business being located at 445 Dexter Ave., Suit 9075 Montgomery, Alabama 36104. *See Complaint* at ¶ 2. Holman is a named party joined under the Georgia Direct Action statute at

O.C.G.A. § 40-2-140. *See* Complaint at ¶ 56. Holman was served on May 30, 2023. *See* Affidavit of Service.

4.

At the time the Action was filed and now as it is removed, Select is a limited liability company which was formed and organized under the laws of the State of Texas, with its principal place of business being located at 12375 Mines Road Laredo, TX 78045. *See* Complaint at ¶ 6. Select has one member, Ruben Garibay, who resides in the State of Texas. Select was served on May 26, 2023. *See* Affidavit of Service.

5.

The Complaint alleges that ALEJANDRO CHAVEZ is an individual resident and citizen of Texas. *See* Complaint at ¶ 11. He has not been served.

6.

The Complaint alleges that XYZ ENTITIES #1-3 are unknown to Plaintiff. *See* Complaint at ¶ 15. For purposes of removal, the citizenship of these entities is not considered, as they are unknown. Also, because they are unknown, they have not been served.

7.

Plaintiff contends that she has incurred at least \$82,084.73 in medical expenses as a result of the wreck described in the Action. *See* Complaint at ¶ 38.

8.

The wreck involved two vehicles, and the alleged negligence which gives rise to Plaintiff's claim occurred on Interstate 285 in DeKalb County, Georgia, at or near its intersection with Glenwood Road. Thus, the event giving rise to the Action and the place where the injuries purportedly occurred is located within the Northern District of Georgia in the Atlanta Division as defined in 28 U.S.C. § 90(a)(2). Venue is proper in this Court under 28 U.S.C. § 1391(b)(2).

9.

Now, within thirty (30) days after service of the Summons and Complaint upon them, Defendants Holman and Select, the only Defendants who have been served, both consent to removal and hereby file this Petition for Removal of the Action to this Court. Because neither Chavez nor the XYZ ENTITIES have been served, or even identified in the case of the XYZ ENTITIES, their consent is not required for the unanimity requirement set out in 28 U.S.C. § 1441 (a).

10.

The Action is removable by reason of diversity of citizenship, there being more than \$75,000 in controversy, exclusive of interest and costs as required by 28 U.S.C. § 1332, based on Plaintiff's allegation and settlement demand, and because the plaintiff, a citizen of the State of Georgia, is a citizen of a different state from all Defendants.

Wherefore, Defendants' Petition for Removal should be granted, and the Action removed to this Court.

/s/ Elizabeth G. Howard
Elizabeth G. Howard, #100118
William Allred, #000320
Attorneys for Defendants

BARRICKMAN, ALLRED & YOUNG, LLC
5775 Glenridge Dr NE Ste E100
Atlanta, GA 30328
(404) 538-1225 – Howard
(404) 790-0123 – Allred
(404) 252-3376 (Fax)
egh@bayatl.com
wsa@bayatl.com

CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the within and foregoing **DEFENDANTS' PETITION FOR REMOVAL** with the Court's *CM/ECF* system, as prescribed by the Court to the following:

Graham Scofield
Graham Scofield Injury Lawyers
691 John Wesley Dobbs Avenue NE
Suite C-04
Atlanta, GA 30312
graham@atlinjurylawyers.com
Attorneys for Plaintiff

This 22nd day of June, 2023.

/s/ Elizabeth G. Howard
Elizabeth G. Howard